

REMARKS

In the Office Action mailed on June 30, 2008, the Examiner rejected the claims now pending in this application (24-30 and 91) under 35 U.S.C. 112 for failing to comply with the written description requirement and, further, for being indefinite. Finally, the Examiner provisionally rejected claims 24-30 on the basis of obviousness-type double patenting. Each rejection is addressed below.

I. Claims 24-30 and 91, as amended in the Status of All Claims recited herein, comply with the written description requirement of 35 U.S.C. 112.

Without acquiescing in the Examiner's argument in support of this rejection, and reserving the right to prosecute these or similar claims as originally filed and/or as previously amended, the Applicant has incorporated into the claims the Examiner's advice that the rejection can be overcome "by including the phrase 'in need thereof' after 'in a mammal'." (Office Action, p. 5)

II. Claim 24, as amended herein, particularly points out and distinctly claims the invention.

The Examiner asserts that R_5 in the claimed structure "should represent an ester." (Office Action, p. 6) Applicant respectfully disagrees. Absent R_5 , the structure, which is claimed as an "imidazoline ester" would be an acid, not an ester. Exactly as the claim points out, the presence of the R_5 group is what "provides the ester." Applicant therefore traverses Examiner's assumption. However, to advance prosecution, Applicant has amended claim 24 to limit R_5 to an alkyl group while reserving the right to prosecute a claim in which a substituent other than an alkyl group serves to esterify the imidazoline. This rejection of claim 24 must now be withdrawn.

III. Claim 26, as amended herein, distinctly claims the claimed method.

The Examiner stated, "In claim 26, it is not clear what is meant by the phrase 'lower mammal'." The Applicant respectfully disagrees. However, in order to expedite prosecution while not acquiescing in the Examiner's argument, the Applicant amends Claim 26 such that "lower mammal" is replaced with "non-human mammal." The

Applicant reserves the right to prosecute the unamended claim or similar claims at a later time.

IV. Claim 27, as amended herein, is no longer indefinite for depending from a canceled claim.

Claim 27 now depends solely from claim 24. The rejection of claim 27 must therefore be withdrawn.

V. Claim 91, as amended herein, finds antecedent basis in the specification, not in claim 24.

Claim 91 is now in independent form and is found as numbered compound 8 in Figure 1 and as numbered compound 30 in Figures 5 and 6 of the specification. The rejection of claim 91 must therefore be withdrawn.

VI. Rejection of Claims 24-30 for Non-Statutory Obviousness-Type Double Patenting

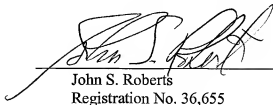
The Examiner stated, "Claims 24-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 22-28 of copending Application No. 11/099,885 and over claims 19-25 of copending Application No. 11/439,169." (Office Action, p. 8)

The Applicants respectfully disagree. However, in order to expedite prosecution while not acquiescing in the Examiner's arguments, the Applicant now submits a Terminal Disclaimer over claims 22-28 of U.S. Patent Application Serial No. 11/099,085 and claims 19-25 of U.S. Patent Application Serial No. 11/435,169.

VII. Conclusion

The Applicant believes the arguments set forth above traverse the Examiner's objections and rejections and therefore request these alleged grounds for objection and rejection be withdrawn. Should the Examiner believe a telephone interview would aid in the prosecution of this application, the Applicant encourages the Examiner to call the undersigned collect.

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